

UNITED STATES DISTRICT COURT

Mar 13, 2019

SEAN F. McAVOY, CLERK

for

Eastern District of Washington

U.S.A. vs.

Samuels, Derek Thomas

Docket No.

2:17CR00229-TOR-3

Petition for Action on Conditions of Pretrial Release

COMES NOW Erik Carlson, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Derek Thomas Samuels, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge John T. Rodgers, sitting in the Court at Spokane, Washington, on the 18th day of December 2017.

On August 7, 2018, Mr. Samuels appeared before the Honorable Mary K. Dimke, U.S. Magistrate Judge in Spokane, Washington, for the purpose of a pretrial revocation hearing. The Court detained Mr. Samuels pending placement in an inpatient substance abuse treatment facility. Upon successful completion of an inpatient substance abuse treatment program, the Court ordered Mr. Samuels to continue under conditions of pretrial release supervision previously imposed. On October 9, 2018, Mr. Samuels successfully completed an inpatient substance abuse treatment program.

Standard Condition #9: Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal Law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

Additional Condition #27: Prohibited Substance Testing: If random urinalysis testing is not done through a treatment program, a random urinalysis testing shall be conducted through Pretrial Services, and shall not exceed six (6) times per month. Defendant shall submit to any method of testing required by the Pretrial Service Office for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. Defendant shall refrain from obstructing or attempting to obstruct or tamper in any fashion, with the efficiency and accuracy of prohibited substance testing.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #1: Derek Thomas Samuels is alleged to have ingested heroin on March 7, 2019.

On December 20, 2017, U.S. Probation Officer Patrick Dennis reviewed the conditions of pretrial release supervision with Mr. Samuels. He acknowledged an understanding of the conditions, which included standard condition number 9.

On March 8, 2019, Mr. Samuels reported to the U.S. Probation Office and met with the undersigned officer. During that meeting, Mr. Samuels admitted he smoked heroin on March 7, 2019. Subsequently, Mr. Samuels signed a substance abuse admission form acknowledging his use of heroin.

In addition, on March 8, 2019, Mr. Samuels provided a urine sample that tested presumptive positive for the presence of morphine, which is consistent with the use of heroin. The urine sample was sent to Alere Toxicology (Alere) for further analysis. As of the date of this report, the test results from Alere have yet to be received.

Violation #2: Derek Thomas Samuels is alleged to have failed to appear for random drug testing on six occasions.

On December 20, 2017, U.S. Probation Officer Patrick Dennis reviewed the conditions of pretrial release supervision with Mr. Samuels. He acknowledged an understanding of the conditions, which included additional condition number 27.

Re: **Samuels, Derek Thomas**

March 12, 2019

Page 2

On November 7, 2018, the undersigned officer referred Mr. Samuels to the phase urinalysis testing program at Pioneer Human Services (PHS). Mr. Samuels was instructed to contact PHS on a daily basis to determine if he is required to submit to random drug testing.

Mr. Samuels has failed to report for random drug testing on the following dates: November 13, 2018; November 27, 2018; December 11, 2018; December 21, 2018; February 4, 2019; and March 1, 2019.

PRAYING THAT THE COURT WILL ORDER A WARRANT

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: March 12, 2019

by s/Erik Carlson

Erik Carlson
U.S. Pretrial Services Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ The incorporation of the violation(s) contained in this
petition with the other violations pending before the
Court.
☒ Defendant to appear before the Judge assigned to the case.
☐ Defendant to appear before the Magistrate Judge.
☐ Other



Thomas O. Rice
Chief U.S. District Judge

Signature of Judicial Officer

March 13, 2019

Date